

The question was taken.

Mr. GILMAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore (Mrs. BIGGETT). Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### MARINE MAMMAL RESCUE ASSISTANCE ACT OF 1999

Mr. SAXTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1934) to amend the Marine Mammal Protection Act of 1972 to establish the John H. Prescott Marine Mammal Rescue Assistance Grant Program, as amended.

The Clerk read as follows:

H.R. 1934

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mammal Rescue Assistance Act of 1999".

#### SEC. 2. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371 et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

#### "SEC. 408. JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.

"(a) IN GENERAL.—(1) Subject to the availability of appropriations, the Secretary shall conduct a grant program to be known as the John H. Prescott Marine Mammal Rescue Assistance Grant Program, to provide grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead marine mammals for scientific research regarding marine mammal health, and facility operation costs that are directly related to those purposes.

"(2)(A) The Secretary shall ensure that, to the greatest extent practicable, funds provided as grants under this subsection are distributed equitably among the designated stranding regions.

"(B) In determining priorities among such regions, the Secretary may consider—

"(i) any episodic stranding or any mortality event other than an event described in section 410(6), that occurred in any region in the preceding year; and

"(ii) data regarding average annual strandings and mortality events per region.

"(b) APPLICATION.—To receive a grant under this section, a stranding network participant shall submit an application in such form and manner as the Secretary may prescribe.

"(c) ADVISORY GROUP.—

"(1) IN GENERAL.—The Secretary, in consultation with the Marine Mammal Commission, shall establish an advisory group in accordance with this subsection to advise the Secretary regarding the implementation of this section, including the award of grants under this section.

"(2) MEMBERSHIP.—The advisory group shall consist of a representative from each of the designated stranding regions and other individuals who represent public and private organizations that are actively involved in

rescue, rehabilitation, release, scientific research, marine conservation, and forensic science regarding stranded marine mammals.

"(3) PUBLIC PARTICIPATION.—

"(A) MEETINGS.—The advisory group shall—

"(i) ensure that each meeting of the advisory group is open to the public; and

"(ii) provide, at each meeting of the advisory group, an opportunity for interested persons to present oral or written statements concerning items on the agenda for the meeting.

"(B) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

"(C) MINUTES.—The Secretary shall keep and make available to the public minutes of each meeting of the advisory group.

"(4) EXEMPTION.—The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to the establishment and activities of an advisory group in accordance with this subsection.

"(d) LIMITATION.—The amount of a grant under this section shall not exceed \$100,000.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The non-Federal share of the costs of an activity conducted with a grant under this section shall be 25 percent of such costs.

"(2) IN-KIND CONTRIBUTIONS.—The Secretary may apply to the non-Federal share of an activity conducted with a grant under this section the amount of funds, and the fair market value of property and services, provided by non-Federal sources and used for the activity.

"(f) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent to pay the administrative expenses necessary to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) DESIGNATED STRANDING REGION.—The term 'designated stranding region' means a geographic region designated by the Secretary for purposes of administration of this title.

"(2) SECRETARY.—The term 'Secretary' has the meaning given that term in section 3(12)(A).

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 2001 through 2003, to remain available until expended."

(b) CONFORMING AMENDMENT.—Section 3(12)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1362(12)(B)) is amended by inserting "(other than section 408)" after "title IV".

(c) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

"Sec. 408. John H. Prescott Marine Mammal Rescue Assistance Grant Program.

"Sec. 409. Authorization of appropriations.

"Sec. 410. Definitions."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Madam Speaker, first, let me express my appreciation to my

colleagues, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from New Jersey (Mr. LOBIONDO), for joining me and for working so hard to bring this bill to the floor. I would also like to thank the gentleman from New Mexico (Mr. UDALL) for his interest in, and efforts to help, this bill to proceed to the extent that it has.

Madam Speaker, as the author of H.R. 1934, I rise obviously in strong support of the Marine Mammal Rescue Assistance Act. I am pleased that the House is considering this bill, and I would like to urge everyone to vote for it. But first, let me just explain what the bill does, Madam Speaker, and why I believe it is so urgently needed.

Madam Speaker, H.R. 1934 would establish a grant program to fund and rescue and rehabilitate marine mammals; and it would conduct, it would provide for us to conduct, scientific work associated with live and dead marine mammals; and third and finally, it would assist those centers which carry out those humanitarian rescues and recoveries.

Madam Speaker, Americans are always thrilled to see news reports of rescue attempts of stranded or beached Atlantic bottlenose dolphins, manatees or pygmy sperm whales. These efforts are extremely expensive, and this bill helps in no small way to offset some of these costs. Although title IV of the Marine Mammal Protection Act, as it currently stands, provides funds to compensate participants of the Nation's stranding network, it is limited to certain work associated with unusual mortality events which are defined as unexpected or a scientific die-off of marine mammals.

Madam Speaker, regrettably at the same time, funds are currently not available for small strandings, either live or dead, of dolphins on the New Jersey beaches or the now famous live stranding of the baby grey whale on a California beach that was successfully rescued, rehabilitated and released back to the wild by Sea World. Furthermore, there are few funds available to research the cause of these strandings or to care for these sick animals.

The examples I have mentioned are just two of the hundreds of small live and dead strandings that occur frequently on our Nation's shores. Hundreds of dolphins, harbor porpoises, seals, sea lions, manatees, sea otters, and even beluga whales become stranded on our shores. Every year hundreds of people like my constituent, Robert Schoelkopf, director of the Marine Mammal Stranding Center in Brigantine, New Jersey, rescue and recover and collect important scientific data and at times successfully release these animals back into the wild.

In his testimony recently, Mr. Schoelkopf noted that his stranding center has handled 1,852 marine mammals. He stated that the National Marine Fishery Service has acknowledged the need for stranding networks along

the coast to be the first response to not only typical strandings but also for unusual episodes.

Yet, Madam Speaker, there are no funds available for people like Bob Schoelkopf who work side by side with the National Marine Fishery Service and the Fish and Wildlife Service to save and study these magnificent animals. This bill would fill that void by making a small but critical amount of money available through the competitive grant process to help cover some of the costs associated with these non-unusual mortality events.

Madam Speaker, I would just like to urge my colleagues to support the passage of this important conservation bill and again express my gratitude for my colleagues who have worked so hard as partners on this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Madam Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Madam Speaker, we do not have any objections to this legislation that is before the House today, H.R. 1934, the Marine Mammal Rescue Assistance Act of 1999. I commend the gentleman from New Jersey (Mr. SAXTON) and his staff for working in a truly cooperative bipartisan manner with minority Members on the Committee on Resources to craft this important bill.

All Members should vote for this bill.

Few events catch the public's collective emotion more than episodic strandings or mysterious fatalities of marine mammals. With growing concern, members of the Committee on Resources continue to hear of numerous incidents of unusual or unexplained mortality events effecting marine mammals. Perhaps most troubling, many of these stranding and mortality events are affecting marine mammal populations that are considered robust and healthy; and regrettably, while the frequency of strandings is increasing, we still know relatively little about what is causing this to occur.

In 1992, Congress amended the Marine Mammal Protection Act to add a new title IV with the purpose to establish a coordinated Federal, State, and private effort to address the problems and challenges associated with marine mammal strandings or unusual mortality events. In many respects, Madam Speaker, the marine mammal health and stranding program established under title IV has been effective.

Nonetheless, Madam Speaker, we have fallen short of the goals established for this program, in some cases especially the need for better analysis of rescued and diseased marine mammals and the need for additional research to determine if there are cross-over connections between marine mammal strandings and human health threats in the marine environment. Much work still remains to be done.

Moreover, costs of stranding rescue operations have risen sharply, so sharply in fact that some stranding facilities have had to sacrifice other programs which has had the effect of dampening effectiveness. This legislation will give marine mammal stranding facilities better tools and financial assistance to meet this and other unmet needs of the program.

The grant program authorized in this bill will help relieve the financial burden currently affecting many network stranding facilities; and importantly, these new grants could be used to support valuable new research on dead marine mammals without cutting back funds necessary to support the humane care and treatment of recovered live animals. We also hope that the advisory group created by this bill will be effective in developing priorities for funding these new grant proposals.

I know that the gentleman from American Samoa (Mr. FALEOMAVAEGA), the ranking member of the Subcommittee on Fisheries Conservation, Wildlife and Oceans very much appreciates the cooperation of the gentleman from New Jersey (Mr. SAXTON), the subcommittee chairman, to ensure that these grants may be used to enhance scientific investigation and are not simply used to offset operating expenses at stranded facilities.

Also, the gentleman from American Samoa (Mr. FALEOMAVAEGA) also appreciates the chairman's cooperation to ensure that this legislation provides for the fair distribution of grant dollars to all stranding network regions and also provide sufficient funds to allow the National Oceanic and Atmospheric Administration to administer the new grant program. We still contend that it makes sense to set aside some discretionary funds for emergency or technical assistance since these funds would allow NOAA to fill in the gaps in coverage or to address unexpected needs that arise in the field. Ultimately, experience will determine whether this additional flexibility is needed.

Madam Speaker, the marine mammal health and stranding program is vital to the protection and rehabilitation of thousands of marine mammals annually, but the program can be improved. I believe the new grant program created by this legislation will provide additional financial resources to support the national network of stranding facilities, will increase our understanding of marine mammal ecology, and will increase public awareness of the health and safety of the coastal marine environment.

□ 1600

I urge all Members to support this bill.

Madam Speaker, I reserve the balance of my time.

Mr. SAXTON. Madam Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Madam Speaker, I thank my friend the distinguished gentleman from New Jersey for yielding me time and congratulate him for his many years of leadership in this particular area. It is not only strandings of mammals, it is other protections as well that he has been a champion over the years, and I congratulate his colleague on the other side of the aisle and the bipartisan effort here.

I rise in strong support of this. People wonder sometimes with this type of legislation, what is the constituency? Well, I will tell you the constituency for stranded mammals is anybody who has ever seen a stranded mammal. There is some response, some chord that is hit in us, and it seems that people will rush to the water and jump in cold water and get their clothes all wet and do things that they normally would not do in order to try and provide some relief for stranded mammals. I have seen it many times in my own district, and I have seen extraordinary efforts and great sacrifice made to try and take care of these creatures who sometimes run afoul with problems.

I think this is a good testimony, that we do care very much, and that we do need legislation, because all the good intentions sometimes do not provide the professional way of dealing with stranded animals.

I will tell you that in my district, I am very proud to have Mote Marine Laboratory, which also has a stranding program which I believe is second to none. It has done all kinds of rescue work over the years. It has been very busy. It is very professional and very accomplished. I know they have provided testimony for this legislation, and I congratulate them on their efforts as well.

I think with the people involved and committed for the purposes that are at stake in this resolution, that we will have success, and I think this is an entirely appropriate type of support for government and government involvement in something which is indeed a national treasure, and that is our marine mammals. I congratulate all those involved.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. FARR), a key legislator in the reauthorization of the Marine Mammal Protection Act and also key in appropriations for this program.

Mr. FARR of California. Mr. Speaker, I rise in support of H.R. 1934, the Marine Mammal Rescue Assistance Act. I commend once again, almost every week now, the gentleman from New Jersey (Mr. SAXTON), for his leadership on this important issue, another one of our important issues relating to the oceans of this great country and the world.

This legislation is critical to anybody who has coastal shoreline where

the populations of marine mammals exist, because this goes to how do you serve those marine mammals when they are in trouble; how do you get them when they are stranded; and why do you do that.

Do you know that Megatrend says that the leading development in America has been what they call watchable wildlife? More people are watching wildlife than all of the national sports in this country, than all the professional sports. That wildlife, a lot of it is marine wildlife.

Marine wildlife is important to the ecology of the ocean, the health of the ocean and the coastal communities, but it is also important for tourism, because people come to the coastlines and they want to see the wild animals that are in that coastal zone; and the wild animals in many cases are endangered.

I happen to represent an area where we have the southern sea otter population. It is not recovering very well. The recovery rate for the southern sea otter is unacceptable since 1995. Researchers have documented an increased rate in mortality, an 11 percent reduction in the population. In fact, last year 10 percent of the total population of this endangered animal was found dead, stranded on beaches in my district. That is 213 of the 2,090 animals left in this population were found dead, washed up on beaches just last year.

The southern sea otter is vital. It is vital to the health of our sea mammal community. It is vital to the tourism in our area; and I think it is just vital that we have beautiful animals like this to understand, protect, and to study.

Fortunately, the bill of the gentleman from New Jersey (Mr. SAXTON) will provide funds for the preparation and transportation of tissues from the deceased animals so the researchers can determine the cause of death and turn this trend around.

Mr. Speaker, my only reservation is that we not decrease funding for research and assistance for other existing marine mammal programs. In fact, we need to fully fund what is authorized in this bill. The majority of marine mammal strandings occur on the West coast; and, unfortunately, the strandings are increasing. So I hope that we will begin to be able to have enough money for the marine mammal recovery and not take this money from other marine mammal protection programs.

I urge my colleagues to support this bill, and I ask that we increase funding for marine mammal protection and research. We need to support the Marine Mammal Rescue Assistance Act, but not at the expense of other national marine fishery services programs.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to conclude by saying I believe this is an extremely important bill, and I would like to thank everyone who has had

something to do with it, from the Member level as well as from the staff level.

Mr. UDALL of New Mexico. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 1934, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### CONVEYING LAND IN NEW MEXICO TO SAN JUAN COLLEGE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 293) to direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

The Clerk read as follows:

S. 293

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the "Old Jicarilla Site" located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30).

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS, CONDITIONS, AND RESERVATIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for in-

gress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b), shall be revoked simultaneous with the conveyance of the property under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 293 was introduced by Senator PETE DOMENICI of New Mexico. The legislation would require the Secretaries of Agriculture and Interior to convey a 10 acre parcel of land known as the Old Jicarilla Site to San Juan College.

The Forest Service no longer requires its use and has not occupied the site for several years. The bill would require the site to be used for educational and recreational purposes.

Back in February of this year, our esteemed colleague, the gentleman from New Mexico (Mr. UDALL), who has worked so hard on this bill, introduced H.R. 695 as the House companion. He worked diligently to see that his legislation passed the committee process, and finally it passed the House under suspension of the rules in early August. However, because the Senate would prefer the House to pass its version, S. 293, we are here today to do just that so this legislation might be enacted into law.

Let me close by saying that my good friend the gentleman from New Mexico (Mr. UDALL) has done a great job on this legislation, and I urge everyone to support the passage of S. 293 under suspension of the rules.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, S. 293, like H.R. 695 passed by the House on August 2, 1999, would direct the Secretary of Interior to convey approximately 20 acres of real property and improvements at an abandoned and surplus ranger station administrative site in San Juan County, New Mexico, to San Juan College in Farmington, New Mexico. The Forest Service has determined that the Old Jicarilla Site, as the site is known, is of no further use because the Forest Service moved its operations to a new administrative facility in Bloomfield, New Mexico, several years ago. In fact, the site has been unoccupied for several years.